

THE NEWS OF NORFOLK ON PAGES 2, 3, 5 & 6.

COURT DECISIONS.

DIGESTED BY W. B. MARTIN.
EXCLUSIVELY FOR
VIRGINIAN-PILOT.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

SULLIVAN V. DUNHAM.

Court of Appeals of New York January 9, 1900.

WHEN A PERSON IN A HIGHWAY IS KILLED BY A PIECE OF A TREE, HURLED BY A BLAST EXPLODED ON DEFENDANT'S LAND, THE LATTER IS LIABLE ALTHOUGH NOT NEGLIGENT.

This was an action for damages for the death of plaintiff's intestate caused by being struck by a section of a tree while he was on the public highway. The defendant was blasting out trees on his land, using dynamite, and one of the blasts hurled the section of the tree over 400 feet into the highway and struck the plaintiff's intestate. There was no proof of any negligence on the part of the defendant. The lower court gave judgment for plaintiff and defendant appealed.

The court says:
The main question presented by this appeal is whether one who, for a lawful purpose, and without negligence or want of skill, explodes a blast upon his own land and thereby causes a piece of wood to fall upon a person lawfully travelling in a public highway, is liable for the injury thus inflicted. The statute authorizes the personal representative of a decedent to "maintain an action to recover damages for a wrongful act, neglect, or default, by which the decedent's death was caused against a person who, by reason thereof, if death had not ensued." It covers any action of trespass upon the person which the deceased could have maintained if he had survived the accident. Stated in another form, therefore, the question before us is whether the defendant is liable as a trespasser.

In the leading case upon the subject the defendant, in order to dig a canal authorized by its charter, necessarily blasted out rocks from its own land with gunpowder, and thus threw fragments against the plaintiff's house, which stood upon the adjoining premises. Although there was no proof of negligence or want of skill, the defendant was held liable for the injury sustained. Hay v. Cohees Co.

As was said by the Supreme Court of Indiana, in following the Hay case, "The public travel must not be endangered to accommodate the private rights of individuals."

We think the courts below were right in holding the defendant liable as a trespasser, regardless of the care they may have used in doing the work. Their action was a direct invasion of the rights of a person injured, who was lawfully in a public highway, which was a safe place until they made it otherwise by throwing into it the section of a tree. Affirmed.

WALKER V. CULMAN.

Court of Appeals of Kansas.
January 11, 1900.

A CORPORATION IS ONLY LIABLE FOR THE TORTIOUS ACTS OF ITS AGENT WHEN PERFORMED IN THE LINE OF HIS EMPLOYMENT, OR THE AUTHORITY CONFERRED.

This was an action by Culman against the receivers of a railroad company for malicious prosecution, arrest and imprisonment. The plaintiff had been arrested upon the complaint of a detective employed by the company for obstructing its business, etc., and upon the trial was acquitted. He then brought this suit for damages. There was a verdict and judgment for \$300 against the receivers and they appealed.

The court says:
The evidence nowhere shows the duties of Matthews, or the instructions given to him by his principal. The plaintiffs in error deny that Matthews acted with their knowledge and consent, or by their direction or order, or by their authority, in causing the arrest of Culman, or that he was arrested with their knowledge or consent, or by their authority. There was no evidence tending to prove that those allegations of the answer were false. "A corporation is liable to an action for malicious prosecution; but as it can act, maliciously or otherwise, only through agents, the tortious act must be performed in the line of the employment of such agent, and in the execution of the authority conferred." Reversed.

ATLANTIC CITY.

Rev. C. W. Maxwell, who is in Hampton conducting a meeting at the Presbyterian Church, is expected home in time to fill his pulpit at Colley Memorial Church Sunday.

Miss Lee G. Cooke, who is to address the district convention of the W. C. T. U. to-day at their hall on Colley avenue, is the guest of Mrs. A. C. Miley, Ribble Place, Ghent. Miss Cooke will give a physical culture drill during the convention.

The entertainment given last night for the benefit of the Colley Social Club was a most enjoyable affair. The rooms were tastefully decorated in honor of the event, and the occasion was graced by the presence of many of the fair sex. Choice music formed an attractive feature, and at its close light refreshments were served.

The district convention of the Woman's Christian Temperance Union will be held in their hall to-day. The morning session will begin at 10 o'clock. The Y's will hold a session from 3 to 5 p. m., and at 4 o'clock the Loyal Temperance Legion will entertain the convention with songs and recitations. At 8 o'clock p. m. a reception will be given to the Y's of Norfolk, when short addresses will be made by Miss Cooke, Mrs. Bagby and Mrs. Greene. The evening's entertainment will wind up with the distribution of refreshments.

Miss Lee G. Cooke delivered an admirable address before the Epworth League of LeKies Memorial M. E. Church last night. She is a fluent and graceful speaker, and her effort last evening was listened to with marked attention by the large audience present.

BRAMBLETON.

The Local Board of Improvement held a conference with City Engineer Brooke yesterday afternoon and discussed at length the subject of paving Brambleton and Park avenues with either vitrified brick or asphalt. He was requested to draw plans and specifications with the view of advertising for bids.

A resolution was adopted requesting the Board of Police Commissioners to swear in four men to do police duty temporarily in the ward.

All members of the Brambleton W. C. T. U. are urged to attend the District Convention, to be held in Atlantic City, to-day. A very interesting session is expected. Miss Lee G. Cooke and Mrs. Thos. P. Bagley will give instructive talks.

Miss Bessie Williams, of North Marshall avenue, returned yesterday from a three weeks' visit to relatives in New York.

Vandalia Lodge of Odd Fellows received a fraternal visit from Columbia Lodge of the same order last night, and the Columbia team conferred the initiatory degree on a number of candidates.

Both of the Democratic clubs of the ward will hold meetings to-night at their respective club rooms. Speaking will be the order of the evening at each meeting.

There were five conversions at the revival at Trinity M. E. Church last night.

Harmony Conclave No. 11, Heptasophos, or S. W. M., will initiate a class of twenty-two candidates at their meeting in Ingram's Hall to-morrow night. The arm of the order that was instituted in October through the personal efforts of Supreme Chief, Rev. W. F. Gregory, has now an active membership of over eighty, and if its growth continues in the future, as in the past, it will be the banner conclave of the city before the close of the present year.

LAMBERT'S POINT.

The Lambert's Point Fire and Salvage company met in their new engine-house last night for the purpose of effecting a permanent organization. The meeting was called to order by the chairman, Mr. George Pinkham, and Mr. John S. Holmes was made secretary.

The following were chosen:
Captain—Fred W. Eiler.

First Assistant—George R. Evans.
Second Assistant—A. D. Plass.
Engineer—R. V. Plass.
First Assistant—George J. Tegg.
Second Assistant—Thomas Hardy.
Secretary—John S. Holmes.
Treasurer—Captain E. Vance.

The following were appointed a committee to draft a constitution and by-laws for the government of the company: Captain Edwin Cobb, John S. Holmes, George Pinkham and Doc Talmage.

The company has forty-six active members, and will hold meetings every Wednesday night until the boys are thoroughly drilled in their duties. As soon as possible arrangements will be made to keep a sufficient number of the men on duty at the engine-house in readiness to answer any and every call.

Mr. A. W. Chapen, general manager and superintendent of the Powhatan Manufacturing Company for several years, has resigned, much to the regret of the company and the employees. He will leave in a few weeks for Massachusetts to assume charge of one of the manufacturing establishments of that State. His place as superintendent here will be filled by Mr. Fred W. Eiler, and a treasurer will be elected later on.

Mr. W. F. Strunk and daughter, Grace, of Jamestown, N. Y., are visiting the family of Mr. Doc Talmage, of Myers avenue and Forty-third street.

The three children of Rev. J. W. Carroll, who have been quite sick for the past ten days, are rapidly convalescing.

Mr. Fred W. Eiler is confined to his home on Thirty-ninth street with "La Grippe."

Quite a large congregation attended the services at the Methodist Church last night and enjoyed an able and impressive sermon by Rev. J. W. Carroll. His membership has increased very much since Mr. Carroll has been his pastor, there having been about fifty accessions.

The Best Prescription for Chills.

And Fever is a bottle of GROVE'S TASTELESS CHILL TONIC. The formula is plainly printed on each package. It is simply iron and Quinine in a tasteless form and is compounded in correct proportions. The reason imitators do not advertise it is because they know you would not buy their medicine if you knew its ingredients. Grove's is the original, and is the only chill and fever remedy sold throughout the entire material section of the United States. No cure, no pay. Price 50c.

Among Our Cotton Men.

Weather in Texas cooler and rainy. Bar silver in London, 27½d., against 27 7/16d. last year.

Liverpool sold 15,000 bales cotton on spot yesterday; prices declined 3-32d.; contracts closed steady, 7½ to 11 points decline.

United States port receipts yesterday were 21,281 bales, against 12,705 last year, and 28,431 in 1898.

Future contract market in New Orleans declined 25 points on May, closing at 9.07. Spot cotton declined ½c. Sales, 4,000 bales; middling, 9½c.

Future contract market in New York declined 22 to 33 points, closing barely steady; May, 9.05@9.06; August, 9.05@9.06; October, 7.70@7.80; January, 7.70@7.71. Spot cotton declined 3-16c.; middling, 9½c.; stock, 146,158 bales.

New Orleans receipts to-day estimated at 12,000 to 13,000 bales, against 5,991 bales last year, and 2,707 in 1897.

Sam Small in Book Business.

Hon. Porter King, ex-Mayor of Atlanta, has just returned from Havana, Cuba, and the following is taken from a lengthy interview with him in the Atlanta Journal:

"I met also Mr. Sam W. Small, who has just sold out his newspaper, The Journal. I read his valedictory, in which it was stated that he would embark in other business which will take up all his time."

"What business?"

"Why, Mr. Small has secured the contract for furnishing Cuba, Porto Rico and the Philippines with school books and furniture and will devote himself to this new business in future."

"He has quit preaching, then?"

"Yes, I think so. He may preach now and then, but is by no means regularly engaged in this work."

NEW STATE OFFICERS

A Commissioner of Valuation For
Each City and County.

The Measure Passed by the General Assembly and Approved by the Governor of Virginia. The Duties and the Compensation of the Commissioner.

Following is the text of the bill as offered in the House and passed that body, as it passed the Senate, and as it was approved by the Governor:

1. Be it enacted by the General Assembly of Virginia, That for each city and county in this State there shall be appointed by a board, consisting of the Auditor of Public Accounts, Second Auditor and Treasurer, a commissioner of valuations of personal property and incomes, who shall hold office for a term of five years, and who shall discharge the duties hereafter specified, but who, before entering upon the discharge of said duties, shall qualify before the Corporation or Hustings Court of the city or county of the county for which he is appointed, and enter into bond in the penalty of \$5,000, conditioned for the faithful discharge of his duties, and payable to the Commonwealth of Virginia. The term of office of the commissioners first appointed after this act goes into effect shall expire on the 31st day of December, 1904, or as soon thereafter as their successors shall have qualified.

2. It shall be the duty of the Commissioner of Valuation to ascertain and report to the Commissioner of the Revenue of his city or county annually, as of the 1st of February of each year, the valuation of the following personal property and incomes, belonging to individual, firms, or corporations (other than the corporations now reporting direct to the Auditor of Public Accounts), residing or doing business in said city or county, and subject to taxation under the laws of this State, namely:

First. All moneys, bonds, notes, or other evidences of debt, and all stock and shares of stock.

Second. All incomes in excess of the exemptions now allowed by law.

Third. All capital invested, used, or employed in any trade or business.

Fourth. All capital, including moneys, credits, or other things remaining invested, whether said investment was originally made in this or any other State or country, loaned, used, or employed in business in or out of this State.

Fifth. All capital of any joint stock company not otherwise taxed.

Sixth. All moneys on deposit with any bank or other corporation, firm, or person.

This section shall apply to persons actually residing or doing business in said city or county, though said person claim a residence elsewhere in the State, but in such cases the report provided for by this act shall be made to the Commissioner of the Revenue of the county or corporation where such residence is claimed.

The Commissioner of Valuation may apply to any office of this State, or apply to or summon before him any officer or agent of any corporation, company, or firm, or individual member of said firm, or any person having knowledge of, or interest in any matter about which the Commissioner of Valuation is authorized to inquire, to furnish any information such person may have relating thereto; and in all cases the Commissioner of Valuation may administer an oath to any person to make true answers to such questions as he may ask in relation to any such matter. If any person, firm, or corporation summoned as aforesaid fail or refuse to submit the examination, or fail to disclose any matter in his possession, about which the Commissioner of Valuation shall interrogate him, he shall forfeit not less than thirty nor more than one thousand dollars for each failure or refusal.

3. When ascertained, the valuation of such property shall be entered by the Commissioner of Valuation in books to be kept by him for that purpose, in alphabetical order of persons or corporations subject to taxation; and which said books shall be kept open to public inspection for examination and correction for a period of thirty days commencing May the 1st of each year.

The Commissioner of Valuation, previous to and during the time the said books are open to public inspection, shall advertise the fact in such manner as he may deem most advisable, or as he shall be authorized by the Auditor of Public Accounts.

4. The Commissioner of Valuation may at any time prior to making his report to the Commissioner of Revenue, increase or diminish the valuation placed by him upon any such property, as he may deem just, but he shall not increase any valuation after said books are open to public inspection, except after ten days' notice to the party affected by such increase.

5. During the time the said books are open to public inspection, any person considering himself aggrieved by the valuation placed upon his property may make application in writing to the Commissioner of Valuation to have the same corrected, stating in detail the grounds of his objection; and thereupon the applicant shall be examined under oath by the Commissioner of Valuation, who shall be authorized to

administer such oaths, and, if in the judgment of the Commissioner of Valuation the valuation of such applicant's property be deemed erroneous, he shall cause the same to be corrected, and fix the amount of the valuation as he may deem just, and declare his decision thereon within thirty days from the time such application was made.

6. After said books have been closed, and on or before the 15th day of June of each year, the Commissioner of Valuation shall make a report of all valuations fixed by him in such manner as shall be prescribed by the Auditor of Public Accounts to the Commissioner of the Revenue of the County or City where said taxpayer is taxable, who shall thereupon enter the same on his personal property and income books and assess the State taxes thereon. Any person considering himself aggrieved by the valuation and assessment may, within six months after the Commissioner of the Revenue has delivered his books to the Treasurer, apply for relief to the Corporation or Hustings Court of said city or corporation, or to the County or Corporation Court, to which said report has been returned; provided, that such person has previously made the application in writing to the Commissioner of Valuation, as prescribed in section 5 of this act; or provided, that such person can show to the satisfaction of the court that he was prevented from making such application by the fact that he was absent from the city or corporation during the whole period that the books of the Commissioner of Valuation were open to public inspection. In all cases before the court the Attorney for the Commonwealth shall defend such application, and no order made in favor of the applicant shall have any validity unless it is signed therein that such attorney did so defend, that the Commissioner of the Revenue and the Commissioner of Valuation were examined as witnesses touching the application; and the facts proved to be correct, and the Auditor of Public Accounts. Upon such application the Corporation or Hustings Court or County Court may order such redress as is now provided by law for erroneous assessments.

7. No personal return to the several commissioners of the revenue of the property reported under this act shall hereafter be made by any individual, firm or corporation for State taxation.

8. All books and other papers used in the office of the Commissioner of Valuation shall be the property of the State, and the costs of printing and binding the same, as well as the costs of advertising, as prescribed in this act, shall be paid out of the State Treasury.

9. The Commissioner of Valuation shall be entitled to receive as compensation for services under this act, to be paid in the same manner as the compensation is now made to the Commissioner of the Revenue, one twentieth of 1 per centum, to be calculated on the amount of property and incomes assessed under this act; provided, that the Commissioner of Valuation shall refund and cover into the State Treasury the compensation paid him on all property that shall have the taxes thereon remitted by reason of erroneous assessment.

10. The Commissioner of Valuation may appoint one or more deputies, who may discharge any of the official duties of the principal during his continuance in office; and such deputy or deputies may be removed from office at any time by their principal.

11. The Governor of Virginia shall have power to remove from office any Commissioner of Valuation for malfeasance, misfeasance, incompetency, or gross neglect of official duty, after reasonable notice to the officer to be affected thereby.

12. Any vacancy in the office of Commissioner of Valuation in any city or corporation, caused by the death, resignation or removal of the commissioner during his term of office, shall be filled by the said board for the unexpired term.

13. All acts and parts of acts inconsistent with this act are hereby repealed.

14. This act shall be in force from its passage.

COMMISSIONERS APPOINTED.

The following Commissioners of Valuation were appointed yesterday by the Board of Appointment, embracing the Auditor, Second Auditor and the Treasurer, with Mr. Ivanhoe Slater as clerk:

Accomack county—N. W. Neek.
Appomattox county—W. J. Treat.
Augusta county—S. M. Donald.
Buckingham county—E. C. Woolbridge.

Essex county—James M. Lewis.
Fauquier county—George L. Fletcher.
Frederick county—A. V. Brooker.

Greene county—T. P. Mayers.
Henrico county—Thomas W. Gardner.
King and Queen county—Robert N. Pollard.

Madison county—T. C. Taylor.
Nelson county—C. A. Boyce.
Norfolk county—George Lindsay.

Orange county—George S. Shackelford.
Princess Anne county—J. G. Moore.
Prince William county—J. J. Davies.

Warren county—C. W. Forsyth.
Alexandria city—Lewis C. Barley.
Lynchburg—J. R. Henry.

Norfolk—Colonel W. W. Sale.
Richmond—Robert V. Marrye.
Staunton—Alexander Harman.

Winchester—David Chaille.
The commission expires in 1904, and a bond of \$5,000 is required of each appointee.

The board will make appointments from day to day until all the offices are filled.

WILL BEGIN WORK AT ONCE.

Some had been under the impression that this law would not go into effect until next year, as assessments by commissioners of the revenue are made as of February 1st and usually in the month of February. But under instructions from the Auditor of Public Accounts no assessments of personal property have been made for the year 1900, and the Commissioners of Valuation will begin work as soon as practicable.

It is presumed that a case will be made up and taken to the Supreme Court at the earliest possible moment, that the constitutionality of the act may be tested.

OTHER LOCAL ON PAGE 6

Colds, Catarrh,
Bronchitis,
Consumption.

Neglected colds are speedily followed by
Catarrh, Bronchitis and Consumption.

HYOMEI will break up a cold over night.
HYOMEI is a positive cure for Catarrh.
HYOMEI cures Croup, Bronchitis and Asthma.

THE R. T. BOOTH CO., Ithaca, N. Y.

The R. T. Booth Co. agrees to refund the money paid in every instance where Hyomei fails to cure.
At all druggists or by mail, \$1.00. Trial Quills, 25c.

THE ADVENT OF SPRING

It's Spring here—every nook and corner in the store breathes the bright, fresh atmosphere of the new season. Counters and shelves laden down with

New Dress Goods, New Silks,
Spring Parasols,
Organdies, Dimities,
Lawn, White Goods,

Embroideries, All-Over Effects, Kid Gloves, Corsets, and many other goods not mentioned. Would be pleased to have you call and look through the stock.

L. H. Whitehurst,

336 MAIN STREET.

New Phone 857.

WE are now ready to make your Clothing

WE are making a good Business Suit for \$25 and \$30; better suits for \$35, \$40 and up

WE have a first-class cutter

If we do not please, we refund your money.

COME AND SEE US.

CLAUDE W.

NORTHERN & BRO.

UP-TO-DATE TAILORS

The Up-to-date "Effervescent" perfected by the experience of fifty-five years.

The only pleasant and always effective cure for headache, indigestion, constipation and their sequelae, known to the medical world, 50c. and \$1.

TARRANT & CO., Chemists, New York.

1844 TARRANT'S 1899

THE UP-TO-DATE "EFFERVESCENT" PERFECTED BY THE EXPERIENCE OF FIFTY-FIVE YEARS.

The only pleasant and always effective cure for headache, indigestion, constipation and their sequelae, known to the medical world, 50c. and \$1.

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The only pleasant and always effective cure for headache, indigestion, constipation and their sequelae, known to the medical world, 50c. and \$1.

TARRANT & CO., Chemists, New York.

The Saks Stores

234-236-238 MAIN STREET.

Beg to announce that their formal opening has been postponed on account of the inability of mechanics to complete their work, and late arrival of fixtures.

However, our Spring Goods are in, and we are open for business.

Announcement of formal opening shortly.

SAKS & COMPANY

CUT PRICE SALE.

Trunks.
Suit Cases,
Travelling Bags,
Leather Goods,
Travelers Supplies,

Our Guarantee

We keep all Trunks in repair free of charge for one year.

Norfolk Trunk Factory

172 CHURCH STREET,
Near Main.

The only Trunk Store in the City.

OLD PHONE 1125.

IRWIN'S EXPRESS CO.

52 Campbell's Wharf.

PHONE 6 EITHER PHONE

We haul anything to and from anywhere in the three cities.

Special facilities for hauling Safes, Bells, Furniture and Pianos.

Lots filled and filling wanted.

MORE LIGHT UPON A FAIR FACE

Cannot be Shed

Than is given by the

Incandescent Lamp.

For brilliancy it has no equal;

and then there are no lamps to fill, no wicks to trim, no smoke, no order, no matches.

Electricity is, beyond question, the best method of illumination.

Once have it and you would never be without it.

THE NORFOLK RAILWAY & LIGHT CO.

82-84 PLUME STREET.

Announcement!

We desire to inform our friends and the public that we will open our

Enterprise Loan Office and Pawnbrokers Establishment,

Nos. 381 and 383 Main Street and 132 Church Street for business, on March 10th. As we have one of the largest stores in Norfolk, we will necessarily carry a very extensive stock of the finest goods.

SELIG & JACOBS,

ENTERPRISE LOAN OFFICE,

381 and 383 MAIN STREET and 132 CHURCH STREET.